



General Assembly

Amendment

January Session, 2015

LCO No. 7294



Offered by:

SEN. COLEMAN, 2nd Dist.

SEN. KISSEL, 7th Dist.

REP. TONG, 147th Dist.

REP. REBIMBAS, 70th Dist.

REP. O'DEA, 125th Dist.

REP. SMITH, 108th Dist.

To: Senate Bill No. 1028

File No. 659

Cal. No. 372

***"AN ACT CONCERNING THE TOLLING OF THE STATUTE OF
LIMITATIONS FOR A NEGLIGENCE ACTION BROUGHT BY A
MINOR."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 52-584 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2015, and*
5 *applicable to all cases pending on and cases filed on or after said date*):

6 (a) No action to recover damages for injury to the person, or to real
7 or personal property, caused by negligence, or by reckless or wanton
8 misconduct, or by malpractice of a physician, surgeon, dentist,
9 podiatrist, chiropractor, hospital or sanatorium, shall be brought but
10 within two years from the date when the injury is first sustained or
11 discovered or in the exercise of reasonable care should have been
12 discovered, and except that no such action may be brought more than

13 three years from the date of the act or omission complained of, except
14 that a counterclaim may be interposed in any such action any time
15 before the pleadings in such action are finally closed.

16 (b) Notwithstanding the time limitation to bring an action under
17 subsection (a) of this section, and except as otherwise provided in
18 section 52-577d, 52-577e or 52-579, if a person is under eighteen years
19 of age on the date when such injury is first sustained or discovered, or
20 in the exercise of reasonable care should have been discovered, such
21 person may bring an action, as described in subsection (a) of this
22 section, within seven years from the date of the act or omission
23 complained of, or within one year from the date such person attains
24 eighteen years of age, whichever occurs first. The provisions of this
25 subsection shall not be construed to provide any less time to bring
26 such action than would otherwise be available under subsection (a) of
27 this section. The time limitations prescribed in this section shall not
28 relieve the party bringing such action from complying with the
29 requirement under subsection (a) of section 52-190a that the complaint,
30 initial pleading or apportionment complaint be accompanied by a
31 certificate indicating that a reasonable inquiry, as permitted by the
32 circumstances, has been made to determine that there are grounds for
33 a good faith belief that there has been negligence in the care or
34 treatment of the injured person."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2015, and applicable to all cases pending on and cases filed on or after said date</i>	52-584
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